



November 8, 2019

Submitted via: <https://oehha.ca.gov/proposition-65/comments/comment-submissions-achieving-human-right-water-california-assessment-states>

Carolina Balazs

Office of Environmental Health Hazard Assessment  
1515 Clay Street, 16th Floor  
Oakland, CA 94612

Subject: Achieving the Human Right to Water in California: An Assessment of the State's Community Water Systems

Dear Ms. Balazs -

The California Urban Water Agencies (CUWA) shares the state's commitment to the human right to water and welcomes the opportunity to comment on the Office of Environmental Health Hazard Assessment's (OEHHa's) August 2019 Draft Report and Tool. We offer the following observations and recommendations:

#### General

- **Define the purpose of the tool with regards to the Human Right to Water resolution.** The current draft fails to define a clear objective for the tool - to track whether the state is achieving the human right to water, to highlight risks of non-achievement, or driving toward solutions. For the tool to be useful, its intended purpose must be understood. The assessment's components blend these various purposes causing a lack of cohesive direction for prioritization and actionable outcomes.
- **Elaborate how future updates will be made to the assessment.** The report mentions throughout the document that future assessments will update results and incorporate new indicators into future iterations without specifying the timeframe for updates or the holes new indicators are intended to fill. More discussion is needed as to how the study results will be updated – for example, as another snapshot of data in a specific time frame or running average – and how new indicators can be added to the assessment while still providing a valuable comparison to the baseline data.
- **Confirm data sources are reliable and accurate.** The Safe Drinking Water Information System (SDWIS) is a common data source used for both the water quality and accessibility components' indicators, but there can be inconsistencies due to human input error, double counting, and low frequency of data review and purging. The data from SDWIS should be reviewed thoroughly to ensure integrity. The report would benefit from describing how the underlying SDWIS data set is assembled, reliability of the data, and steps being taken to improve reliability to inform OEHHa assessments. It would also be helpful to have the raw data available for review to better understand the underlying information used to calculate scores, along with a process to update or provide additional data and provide context for the assigned scores.

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Alameda County Water District  
East Bay Municipal Utility District  
City of Fresno Department of Public Utilities  
City of San Diego Public Utilities Department

San Francisco Public Utilities Commission  
Santa Clara Valley Water District  
Zone 7 Water Agency

Contra Costa Water District  
San Diego County Water Authority  
Los Angeles Department of Water & Power  
Metropolitan Water District of Southern California

**General (continued)**

- **Account for unique challenges.** If the assessment's intent is to drive new legislation, or allocate funds from legislative programs like SB 200, CUWA encourages the State to consider individual water system or group of systems' unique challenges in addition to the overall, holistic score to address the human right to water. One recommendation is to juxtapose the water system's individual challenges, either through a table or link to additional reports for each particular indicator against the holistic score to provide a more complete perspective.

**Water Quality**

- **Define safe drinking water as water that complies with regulatory standards.** The report appears to describe safe water more broadly than compliance with the Safe Drinking Water Act by creating new classifications such as "potential exposure". In addition, a single violation that occurred ten years ago and has since been resolved may cause a system to have a lower score that is not truly reflective of the water currently being served. A new definition of "safe" creates a duplicative regulatory scheme and will create confusion and public concern about the safety of finished water. CUWA encourages the State to revisit and clarify the definition.
- **Clarify where compliance indicators are measured from.** MCL compliance is measured after treatment through a surface water treatment facility or at the groundwater well if treatment is not required, however during the webinar on October 3, 2019, OEHHA responded to a question concerning this topic stating in some instances data from raw water samples were used when treated water samples were not available. This approach may not accurately reflect the water quality delivered to consumers and will automatically score system's exposure sub-component lower. CUWA recommends OEHHA not include raw water sample data if treatment technologies are in place and reach out to individual systems to gather missing treated water quality information, if available.
- **Be mindful that "High Potential Exposure" is a one-time indicator applied largely to chronic contaminants.** Comparing a one-time measure to a standard developed based on long-term health risks is inappropriate. Maximum contaminant levels (MCLs) are set as close as is technically and economically feasible to the public health goals (PHGs) which is based on lifetime consumption. Showing exposure as a function of concentration greater than the MCL from a single annual average diverges from the State's regulatory methodology for drinking water system compliance and may impact public understanding of the risks and noncompliance.

**Water Accessibility**

- **Take into consideration the quality/reliability of supply source(s) to assess "physical vulnerability".** The tool uses a single variable (number of sources) to assess vulnerability to water outages, while quality/reliability of each source is equally if not more important. The assumption that groundwater-reliant systems with fewer wells are more vulnerable than surface water systems or systems with more wells is overly broad. For example, a system with multiple wells all drawing from the same low quality or highly vulnerable aquifer, would actually be less reliable than a system with a single, high quality well. While the report indicates that future assessments will seek to include additional indicators, it is unclear how these will be incorporated.
- **While important, recognize that the "institutional constraints" indicator is a risk factor, and not a performance measure.** CUWA agrees on the value of system consolidation to create sustainably sized institutions. Reducing institutional constraints is a positive step, though it is more about mitigating risk than tracking actual performance. If the purpose of the tool will be to track performance over time, the usefulness of this parameter is limited. For example, if in the future the state interceded and provided such systems with direct assistance, the tool would not indicate any change for this indicator.

### Water Accessibility (continued)

- **Avoid overstating the linkage of monitoring and reporting compliance as an indicator of water accessibility.** While some researchers have suggested that insufficient monitoring and reporting (M&R) among small systems underestimates the number of systems with health-based violations, additional context is needed for this indicator as it is being used for systems of all sizes. As systems increase in size and complexity, the number of required samples also increases. CUWA suggests examining the percentage of missed samples rather than an absolute number of M&R violations which may unfairly weight systems who take a larger number of samples as not having appropriate managerial capacity.

### Water Affordability

- **Clarify the objective of the affordability ratio (AR) in the context of the State's utility scoring system.** The water quality and accessibility components are evaluations at a system level, while the AR appears to focus on individual household affordability. A utility's water rates are based on rate structures that are determined to finance capital projects and factor in operations and maintenance costs. If the report intends to show whether a utility's water rates are appropriately high or low based on the cost to provide safe, reliable drinking water to that area, then a different metric is needed. If the report is merely determining the number of low-income residents within each utility's service area that may struggle to pay water bills regardless of appropriateness of the set water rate structure, CUWA suggests that this be disaggregated from the system level score since the basis for comparison is not consistent.
- **If the metric is focused on individual affordability, account for factors that may affect household costs.** For example, the analysis does not account for the fact that many low-income residents do not directly pay a water bill. It also does not consider existing low-income rate assistance programs which some utilities employ to help address the issue.
- **Use data that best corresponds with utility service areas to assess poverty levels.** The current metric does not accurately compare affordability across utilities. If available, poverty levels for service territories should be used. For example, a utility servicing an entire county may find the county poverty level appropriate for their service territory. A utility servicing 25% of the population of a county may find the county poverty level not representative for the utility's service territory.

### Tool

- **Provide a brief overview to introduce the online tool.** Knowing that many users will be tempted to dive straight into the tool, CUWA suggests a one-page overview for users—accessible through the report and through the tool portal itself—to summarize the tool's intention and introduce the tool's key features. The tool does a good job of integrating GIS and map functionality, describing the indicators, and linking back to the relevant sections of the report for context. The tool's word search feature, accessible through the magnifying glass icon on the upper left side of the map, is an almost-hidden feature. One small technical glitch is that the search result brings up the water system name in a white box, but the user must know to click on the map itself (and not the white box) in order to see the indicators and scores for that system. Consider adding text to each white box instructing users to click on the map behind the box for information on the water system.
- **Clarify the online tool's scoring legend.** In the legend on the upper right side of the online tool's map and in the water system score display boxes, add a reminder that "higher scores and lighter colors indicate better outcomes." If the component maps will remain separate, consider changing scores to one familiar and standardized palette of colors, such that red indicates bad outcomes and green indicates good outcomes.

November 8, 2019

**Tool (continued)**

- **Include important considerations within the map and/or legend text.** The report offers several caveats regarding interpretation of the scoring. Similar language should also be provided within the tool so that users do not take a singular indicator out of context.
- **Enable the online tool to provide a full summary of water system scores, as shown in the hypothetical case study section of the report.** Currently, the tool shows water system scores for one water system's component at a time. As shown in Table 21 of the report, it would be useful to view a given system's water quality, water accessibility, and water affordability indicators in one summary table. The visual comparison of different water systems across the 13 different indicators in Figure 42 is another useful feature for potential integration into the tool's future capabilities.

While the workshops have provided some opportunity for feedback and understanding of the underlying methodologies, we feel the analysis can further benefit from additional direct discussion with utilities and would recommend supplemental workshops before finalizing the report and tool. We look forward to continued dialogue on how to advance implementable solutions to this critical challenge statewide. Please contact Katie Porter at 213.271.2239 if you have any questions on our comments.

Sincerely,



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CUWA Executive Director



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